

3738

1133279-0003



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Kutryk et al.  
Serial No. : 09/808,867  
Filed : March 15, 2001  
For : MEDICAL DEVICE WITH COATING THAT PROMOTES CELL ADHERENCE  
Examiner : Urmi Chattopadhyay  
Group Art Unit : 3738

Certificate of Mailing under 37 CFR 1.8	
I hereby certify that this paper is being deposited on the date indicated below with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.	
Andrew Fessak	48,528
Name of Sender	PTO Reg. No.
<i>Andrew Fessak</i>	<i>2/13/04</i>
Signature	Date of Signature

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**FEB 24 2004**

TECHNOLOGY CENTER R3700

**FILING OF SUPPLEMENTAL DECLARATION**

**Group 3738**  
**Assistant Commissioner for Patents**  
**Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

In the Office Action mailed July 18, 2003, the Examiner stated that the Declaration previously filed in connection with the referenced application is defective. Specifically, the Examiner indicated that the originally-filed Declaration is missing a priority claim to provisional U.S. patent application serial nos. 60/189,674 and 60/201,789.

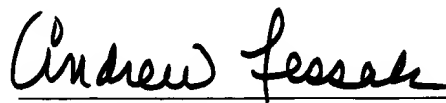
In response to the Examiner's requirement to submit a new Declaration, Applicants hereby enclose a supplemental Declaration signed by the inventors which contains a priority claim under 35 U.S.C. § 119(e) to provisional patent application serial nos. 60/189,674 and

60/201,789. Entry of the supplemental Declaration of record in the application file is respectfully requested.

No fee should be due in connection with this communication. However, if any fee is required, the Assistant Commissioner is hereby authorized to charge such fee to Deposit Account No. 23-1703.

Dated: Feb. 13, 2004

Respectfully submitted,



Andrew Fessak  
Reg. No. 48,528  
Agent for Applicants

Customer No. 007470  
White & Case LLP  
Agent's Direct Dial: (212) 819-8437

Enclosure: Supplemental Declaration



Docket Number: 1133279-0003

## DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**Medical Device with Coating that Promotes Endothelial Cell Adherence**

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the specification of which is attached hereto unless the following box is checked:

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☒ was filed on March 15, 2001 as United States Application Number 09/808,867  
or International Application Number \_\_\_\_\_ and was amended on  
(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

Number	Country	Day/Month/Year Filed
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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/189,674  
(Application Number)

March 15, 2000  
(Filing Date)

60/201,789  
(Application Number)

May 4, 2000  
(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

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(Application Number)	(Filing Date)	(Status--patented, pending, abandoned)
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(Application Number)	(Filing Date)	(Status--patented, pending, abandoned)
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I/we hereby appoint **Practitioners at Customer Number 007470** as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Address all correspondence to **Customer No. 007470**  
Telephone No.: 212-819-8200; Facsimile No.: 212-354-8113

Direct all telephone calls to: John M. Genova, Customer No. 007470, at 212-819-8832

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believe to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Full name of sole or first inventor (first name, middle initial, last name): **Michael John Bradley Kutryk**

Sole or first inventor's signature  Date: JAN 20.04

Residence: Toronto, Ontario, Canada      Citizenship: Canada

Post Office Address: 106 Millwood Road, Toronto, Ontario, M4S 1J7 Canada

Full name of second inventor (first name, middle initial, last name): **Robert John Cottone, Jr.**

Second inventor's signature  Date: 01.20.04

Residence: Davie, Florida Citizenship: US

Post Office Address: 13040 SW 38<sup>th</sup> Court, Davie, Florida 33330

Full name of third inventor (first name, middle initial, last name): **Stephen Maxwell Rowland**

Third inventor's signature  Date: 01.20.04

Residence: Miami, Florida Citizenship: US

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